

Application No.: 10/060,690

Case No.: 56311US007

REMARKS**Restriction Requirement**

Claims 1-41 [*sic*, 1-42; verification of Examiner's intention is respectfully requested] were restricted under 35 USC § 121 as follows:

- I. Claims 1-15, 16 (carbon filler only), 17-19, 22, 29-31, 36 and 42, are said to be drawn to a curable fluoropolymer composition, classified in Class 525, subclass 340+;
- II. Claims 16 (fluoropolymer containing filler only), and 23, are said to be drawn to a fluoropolymer composition further comprising another fluoropolymer, classified in Class 525, subclass 194;
- III. Claims 20 and 21, are said to be drawn to a fluoropolymer composition further comprising other curatives, classified in Class 525, subclass 360+;
- IV. Claims 24-28, are said to be drawn to a fluoropolymer composition further comprising another fluoropolymer and further curatives, classified in Class 525, subclass 192+;
- V. Claims 32-35 and 40-41, are said to be drawn to a method of making a cured fluoropolymer composition, classified in Class 264, subclass 39+;
- VI. Claims 37-39, are said to be drawn to a method of making a curable composition, classified in Class 525, subclass 340+.

Applicants respectfully traverse the restriction requirement and request reconsideration and withdrawal or modification of the restriction requirement.

Applicants submit that these inventions are interrelated and a search of any one group of claims will reveal art to the other. Applicants note that compositions of Group I would be generic to the compositions of Groups II, III, and IV, such that a search toward Group I should reveal art relevant to Groups II, III, and IV and such that when the claims of Group I are found patentable, the claims of Groups II, III, and IV should also be found patentable.

Applicants further note that the compositions of the invention of Group I are included in the methods of the invention of Groups V and VI. When Group I is found to be patentable, Group V directed toward a method of making a cured composition and Group VI directed toward making a curable composition, should also be found patentable. In addition, the method of Group VI is

Application No.: 10/060,690

Case No.: 56311US007

generic to the method of group V, such that a search toward Group VI should reveal art relevant to group V and such that when the claims of Group VI are found patentable, the claims of Group V should also be found patentable.

In summary, it is believed that the inventions of Groups I – VI are so closely related in the field of fluoropolymer compositions that a proper search of any of the claims would, by necessity, require proper search of the others.

Thus, Applicants submit that all of the claims can and should be searched simultaneously, and that a duplicative search, with possibly inconsistent results, may occur if the restriction requirement is maintained. Even if the inventions are independent or distinct, Applicants respectfully note that the Examiner need not have restricted the application, and therefore need not maintain the restriction. See MPEP § 803. Thus, it is not mandatory to make a restriction requirement in all situations where the Examiner may deem it proper.

Nevertheless, to comply with the requirements of 37 C.F.R. § 1.143, Applicants hereby elect Group I (Claims 1-15, 16 (carbon filler), 17-19, 22, 29-31, 36 and 42) with traverse as noted above, and respectfully request reconsideration and withdrawal or modification of the restriction requirement. Should the Examiner maintain the restriction requirement, Applicants respectfully request rejoinder upon allowance of the claims of Group I.

Election of Species

The Examiner stated that this application contains claims directed to the following 9 genera of patentably distinct species of the claimed invention:

- a. fluoropolymers with nitrogen-containing cure site monomers (Groups I-VI),
- b. catalyst compositions (Groups I-VI),
- c. further fluoropolymers (Groups II and IV),
- d. carbon filler including the specie [*sic*, species] of not present (Group I),
- e. additional curatives (Groups III and IV),
- f. coagents including the specie [*sic*, species] of non present (Group IV),
- g. alcohols including the specie [*sic*, species] of non present (Groups I and V),
- h. method of curing (Group VI), and
- i. post curing or not post curing (Group VI).

Application No.: 10/060,690

Case No.: 56311US007

The Examiner required selection of a single species for prosecution and alternatively suggested selection of an Example collectively identifying the elected species. The Examiner noted that claims 1, 10-11, 20, 37 and 39 appear to be generic in their respective groups to the above species.

Applicants hereby select the species of Example 1 (see p. 22 of the specification). The claims of at least Groups I, V, and VI are believed to be generic to this elected species.

Conclusion

Applicants have elected Group I. Continued prosecution of this application is respectfully requested.

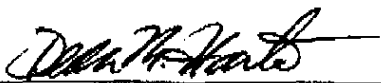
It is believed that no fee is due; however, in the event a fee is required, please charge the fee to Deposit Account No. 13-3723.

The Examiner is invited to contact the undersigned at the indicated telephone number with questions that can be resolved with a teleconference.

Respectfully submitted,

January 5, 2004

Date

By: 
Dean M. Harts, Reg. No.: 47,634
Telephone No.: (651) 737-2325

Office of Intellectual Property Counsel
3M Innovative Properties Company
Facsimile No.: 651-736-3833